

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN R E:	§	
	§	CASE NO. 15-33794
HIGH STANDARD MANUFACTURING	§	Chapter 7
COMPANY, INC.	§	
	§	
Debtor	§	

ALAN ARONSTEIN, TRUSTEE'S RESPONSE TO TRUSTEE'S
MOTION TO PARTIALLY QUASH SUBPOENA

Comes Now Alan Aronstein, Trustee and would show as follows:

A. Background

1. The trustee has correctly stated the relevant background facts of this case with the following omissions:

- a. Paragraph 4 of the Order Approving Disclosure Statement and Confirming First Amended Chapter Plan of Reorganization [Document Number 112] provides: "High Standard firearms, Ltd. shall be bound and agrees to be jointly and severally liable with the reorganized debtor for the funding requirements proposed in the Plan."
- b. Paragraph 14 of the Order Approving Disclosure Statement and Confirming First Amended Chapter Plan of Reorganization [Document Number 112] provides: "Pursuant to the terms and

provisions of the Plan, the Reorganized Debtor and/or High Standard Firearms, Ltd. shall make the required Distributions specified under the plan and this Confirmation Order, and the Reorganized Debtor shall have all powers, rights, duties and protections afforded under the Plan.

2. The trustee fails to acknowledge that both the Debtor and High Standard Firearms, Ltd. occupied the business space together.

3. However, the Trustee did acknowledge that High Standard Firearms, Ltd. is an affiliate of the Debtor. See footnote number 1 in Trustee's Amended Motion to Abandon Personal Property. [Document Number 194]

B. Motion to Quash

4. The Trustee correctly states that the subpoena was not served in accordance with the Rules. Prior to the conversion to Chapter 7, there was an agreement between the counsel for the reorganized Debtor and Matherne to serve all papers through email.

5. Due to the time constraints of the Trustee's Motion to Abandon, Matherne elected to get the attention of the counsel for the trustee through email transmission.

6. Nevertheless, if the Trustee is willing to testify (1) she does not have possession of the documents that are the subject of the subpoena and (2) she does not know of the whereabouts or the identity of the person or persons

who possesses the requested documents, then Alan Aronstein, Trustee does not object to the Trustee's Motion to Quash.

7. On the other hand, if the trustee is unwilling to testify to those facts as set forth in paragraph 6, then Alan Aronstein requests that his hearing be continued for at least 45 days to allow the proper discovery to locate the whereabouts of the requested documents.

8. The requested documents are critical to the determination of the ownership of the weapons that were placed in the custody of High Standard Firearms, Ltd. for safekeeping.

9. The requested documents are a history of every weapon, or weapon part that is required to be documented or registered by a licensed firearms dealer and each weapon or weapon part should be set forth in the Gun Book.

10. The Ownership of each weapon identified in Exhibit A through exhibit C [Document numbers 200-1, 200-2 and 200-3] of Aronstein's Objection [Document number 200] should be set forth in the Gun Book.

11. It should be noted that the trustee avers, in footnote number 2 of the Motion to Abandon Personal Property, upon inspection of the building where the Debtor was doing business, no such firearms are located in the Mitchelldale Property. The gun book will document how, when, to whom and by what means these guns were transferred.

Wherefore, based upon the foregoing, Alan Aronstein requests all relief sought herein and for such other and further relief to which he may show himself entitled.

Respectfully submitted,

/s/G. P. Matherne

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Certificate of Service

I certify that on February 11, 2019, a copy of this pleading has been delivered by electronic mail to counsel for the debtor and by First Class Mail, postage prepaid to the following to:

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